IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 8188 of 2006(Y)

OS.102/2005 of III ADDL.SUB COURT, KOZHIKODE
.....

PETITIONER:

SARASWATHI, AGED 53 YEARS,
W/O. M. RAJARATNAM, KORAPARAMBIL HOUSE,
MALAPARAMBA, NEDUNGOTTUR AMSOM & DESOM,
KOZHIKODE DISTRICT.

BY ADV. SRI.VINOD RAVINDRANATH
SRI.P.S.MURALI

RESPONDENTS:
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1. **M/S. MANAPPURAM GENERAL FINANCE &**
LEASING LTD. REGD. OFFICE, BROTHER'S COMPLEX,
NAIKANAL, THRISSUR-680 001, REPRESENTED BY ITS
MANAGING DIRECTOR.

2. **THE MANAGER,**
M/S. MANAPPURAM GENERAL FINANCE & LEASING LTD.,
INTERCITY ARCADE, P.O. PUTHIYARA, NEAR BHIMA
JEWELLERY, MAVOOR ROAD, CALICUT-4.

BY ADV. SRI.P.K.MANOMOHANAN
SRI.N.A.GANAPATI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.8188/2006 Y

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF LETTER DTD. 19/08/2003 PREPARED BY SRI.SAJAN FOR SRI.KRISHNAMANI.**

EXT.P2: **COPY OF THE ORDER OF SUB COURT (III) A, IN I.A.528/2006 IN O.S.102/2005 DTD. 7/02/2006.**

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 8188 of 2006

Dated this the 26th day of July , 2007

JUDGMENT

In an application filed by the plaintiff for directing the defendants 1 and 2 to furnish the correct address of a 3rd party, whom the plaintiff wanted to implead as additional 3rd defendant, the learned Subordinate Judge has passed Ext.P2 order virtually finding that the suit document is a fabricated one and that the plaintiff is not entitled for any decree on the basis of that document. All these findings, in my opinion, were beyond the scope of the interlocutory application, which alone, the learned judge was expected to decide. I set aside Ext.P2 and direct the learned Subordinate Judge to pass fresh orders deciding the I.A. either in the positive or in the negative after hearing both sides.

The writ petition is allowed as above.

PIUS C. KURIAKOSE,
JUDGE.

Dpk